

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

In Re:) BK No.: 09-17582
)
DRAIMAN, NACHSHON) Chapter: 7
) Honorable Timothy A. Barnes
)
Debtor(s))

**FINDINGS OF FACT AND CONCLUSIONS OF LAW IN SUPPORT OF ORDER AWARDING
TO ARNSTEIN & LEHR, LLP, SPECIAL COUNSEL FOR CHAPTER 7 TRUSTEE, FOR
ALLOWANCE AND PAYMENT OF FINAL COMPENSATION AND REIMBURSEMENT OF
EXPENSES**

TOTAL FEES REQUESTED: \$ 8300.50 TOTAL COSTS REQUESTED: \$ 14.20
TOTAL FEES REDUCED: \$ 299.60 TOTAL COSTS REDUCED: \$ 0.00
TOTAL FEES ALLOWED: \$ 8000.90 TOTAL COSTS ALLOWED: \$ 14.20

TOTAL FEES AND COSTS ALLOWED: \$ 8015.10

The attached time and expense entries have been underlined to reflect disallowance in whole or in part. The basis for each disallowance is reflected by numerical notations that appear on the right of each underlined entry. The numerical notations correspond to the enumerated paragraphs below.

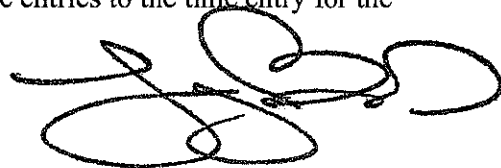
(1) Lumping – TOTAL of disallowed amounts (10% of affected entries): \$ 172.60

The Court may impose a ten percent penalty on entries that appear to be “lumping” of unrelated activities. The Court will reduce each entry marked as such per the penalty. In re Wildman, 72 B.R. 700, 709 (Bankr. N.D. Ill. 1987) (Schmetterer, J.) (“Applicants may not circumvent the minimum time requirement or any of the requirements of detail by “lumping” a bunch of activities into a single entry. [citation omitted]. Each type of service should be listed with the corresponding specific time allotment.”).

(2) Computational or Typographical Error – TOTAL of disallowed amounts: \$ 127.00

The court denies the allowance of compensation for the following tasks because the amount of fees appears to be a computational or typographical error. Also, where there are identical entries by multiple attorneys for the same meeting (same day, same tasks) but with different time entries, the court will consider one of the entries to be a typographical error and reduce the entries to the time entry for the least amount of time.

Enter:



Dated: 19 AUG 2014

United States Bankruptcy Judge

Prepared by:

LAW OFFICES

ARNSTEIN & LEHR LLP

120 S. RIVERSIDE PLAZA - SUITE 1200

CHICAGO, ILLINOIS 60606-3910

(312) 876-7100

SHAW FISHMAN GLANTZ & TOWBIN LLC
ATTN: RICHARD M. FOGEL
321 N. CLARK ST., STE. 800,
CHICAGO IL 60654

March 10, 2014

Invoice: 994392

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RM

Our Matter # 43845-0001

TAX ADVICE

FOR PROFESSIONAL SERVICES RENDERED THROUGH February 28, 2014

02/04/14	DRAMAN: REVIEW CORRESPONDENCE FROM CH. 7 TRUSTEE RE: DECLARATION OF DISINTERESTEDNESS IN EMPLOYMENT OF R. MCKENZIE (.2); DRAFT DECLARATION OF R. MCKENZIE FOR EMPLOYMENT APPLICATION (.6);	
	KEVIN H. MORSE	0.80 hr.
02/05/14	REVIEW AND SIGN DECLARATION.	
	ROBERT E. MCKENZIE	0.10 hr.
02/06/14	DRAMAN: CORRESPONDENCE WITH TRUSTEE RE: DECLARATION AND APPLICATION DATES.	
	KEVIN H. MORSE	0.20 hr.
02/12/14	REVIEW R. FOGEL E-MAIL REGARDING TAX TREATMENT OF ABANDONED PROPERTY AND ASSIGNMENT TO A. S. FAYNE.	
	ROBERT E. MCKENZIE	0.20 hr.
02/25/14	REVIEW E-MAIL FROM R. FOGEL AND FOLLOW-UP WITH A. S. FAYNE REGARDING DEFENSES TO LIABILITY.	
	ROBERT E. MCKENZIE	0.10 hr.

SUMMARY OF FEES

	<u>Hours</u>	<u>Rate/Hr</u>	<u>Amount</u>
KEVIN H. MORSE	1.00	330.00	330.00
ROBERT E. MCKENZIE	0.40	635.00	254.00
TOTAL	1.40		\$584.00
Total Fees for Professional Services			584.00

LAW OFFICES

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TOTALS FOR THIS MATTER

Fees For Professional Services 584.00

Reimbursable Costs 0.00

NET CURRENT BILLING FOR THIS MATTER 584.00

TOTAL DUE FOR THIS MATTER **584.00**

EIN: 36-2041272

LAW OFFICES

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April 11, 2014

Invoice: 997866

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Our Matter # 43845-0001

TAX ADVICE

FOR PROFESSIONAL SERVICES RENDERED THROUGH March 31, 2014

03/04/14	RESEARCH INTERNAL REVENUE SERVICE'S ABILITY TO AUDIT/ADJUST 2011 TAX RETURN WHEN PROMPT DETERMINATION REQUESTED.	
	ADAM S. FAYNE	3.50 hr.
03/04/14	REVIEW E-MAILS BY AND BETWEEN A. S. FAYNE AND R. FOGEL REGARDING CONTACT WITH AGENT.	
	ROBERT E. MCKENZIE	0.10 hr.
03/06/14	<u>CONTINUE RESEARCH RELATED TO 2011 INTERNAL REVENUE SERVICE PROMPT DETERMINATION REQUEST; CONFERENCE WITH R. MCKENZIE.</u>	(1) Lumping
	ADAM S. FAYNE	2.00 hr.
03/10/14	<u>CONFERENCE WITH R. MCKENZIE AND RICK FOGEL; ATTENTION TO FILE FOR LETTER TO INTERNAL REVENUE SERVICE.</u>	(1) Lumping
	ADAM S. FAYNE	0.40 hr.
03/10/14	TELEPHONE CONFERENCE WITH R. FOGEL REGARDING OPTIONS TO END INTERNAL REVENUE SERVICE AUDIT.	
	ROBERT E. MCKENZIE	0.20 hr.
03/12/14	<u>PREPARE POWER OF ATTORNEY; WORK ON LETTER TO INTERNAL REVENUE SERVICE AGENT.</u>	(1) Lumping
	ADAM S. FAYNE	0.60 hr.
03/13/14	WORK ON RESPONSE/LETTER TO INTERNAL REVENUE SERVICE REGARDING AUDIT OF ESTATE'S 2011 FORM 1041; SEND LETTER TO INTERNAL REVENUE SERVICE.	
	ADAM S. FAYNE	0.50 hr.
03/25/14	<u>CONFERENCE WITH INTERNAL REVENUE SERVICE AGENT TODD SLEIGHT; SEND STATUS EMAIL TO RICK FOGEL.</u>	
	ADAM S. FAYNE	0.40 hr.

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April 11, 2014

Invoice: 997866

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03/25/14 REVIEW E-MAILS BY AND BETWEEN A. S. FAYNE AND R. FOGEL REGARDING REQUEST FOR PROMPT DETERMINATION; REVIEW T. WOLF-MCKENZIE E-MAIL TO CLIENT.

ROBERT E. MCKENZIE 0.10 hr.

03/26/14 CALL FROM INTERNAL REVENUE SERVICE REGARDING AUDIT STATUS.

ADAM S. FAYNE 0.10 hr.

SUMMARY OF FEES

	<u>Hours</u>	<u>Rate/Hr</u>	<u>Amount</u>
ADAM S. FAYNE	7.50	390.00	2,925.00
ROBERT E. MCKENZIE	0.40	635.00	254.00
TOTAL	7.90		\$3,179.00

Total Fees for Professional Services 3,179.00

REIMBURSABLE COSTS

PHOTOCOPY CHARGES	6.80
SPECIAL POSTAGE/PRIORITY MAIL/EXPRESS MAIL CHARGES	7.40
Total Reimbursable Costs	14.20

TOTALS FOR THIS MATTER

Prior Balance Brought Forward	\$584.00
Fees For Professional Services	3,179.00
Reimbursable Costs	14.20
Less Credits and Adjustments	0.00

LAW OFFICES

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April 11, 2014

Invoice: 997866

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NET CURRENT BILLING FOR THIS MATTER	\$3,193.20
TOTAL DUE FOR THIS MATTER	\$3,777.20

EIN: 36-2041272

LAW OFFICES

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SHAW FISHMAN GLANTZ & TOWBIN LLC
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May 9, 2014

Invoice: 1000507

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Our Matter # 43845-0001

TAX ADVICE

FOR PROFESSIONAL SERVICES RENDERED THROUGH April 30, 2014

04/14/14 CORRESPOND WITH RICK FOGEL; RESEARCH WHETHER INTERNAL REVENUE SERVICE AUDIT
OUTCOME IS DETERMINATION WITH SECTION 505.
ADAM S. FAYNE 0.70 hr.
04/14/14 REVIEW E-MAIL FROM R. FOGEL AND FOLLOW-UP WITH A. S. FAYNE.
ROBERT E. McKENZIE 0.30 hr.
04/15/14 REVIEW AND RESPOND TO SCHEDULING E-MAILS.
ROBERT E. McKENZIE 0.10 hr.
04/24/14 REVIEW R. FOGEL E-MAIL REGARDING SUSPENDING RESEARCH.
ROBERT E. McKENZIE 0.10 hr.

SUMMARY OF FEES

	<u>Hours</u>	<u>Rate/Hr</u>	<u>Amount</u>
ADAM S. FAYNE	0.70	390.00	273.00
ROBERT E. McKENZIE	0.50	635.00	317.50
TOTAL	1.20		\$590.50

Total Fees for Professional Services 590.50

TOTALS FOR THIS MATTER

Prior Balance Brought Forward \$3,777.20

Fees For Professional Services 590.50

LAW OFFICES

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SHAW FISHMAN GLANTZ & TOWBIN LLC
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May 9, 2014

Invoice: 1000507

Page 2

Reimbursable Costs	-0.00
Less Credits and Adjustments	0.00
NET CURRENT BILLING FOR THIS MATTER	<u>\$590.50</u>
TOTAL DUE FOR THIS MATTER	\$4,367.70

EIN: 36-2041272

LAW OFFICES

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SHAW FISHMAN GLANTZ & TOWBIN LLC
ATTN: RICHARD M. FOGEL
321 N. CLARK ST., STE. 800,
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June 6, 2014

Invoice: 1003276

Page 1

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Our Matter # 43845-0001

TAX ADVICE

FOR PROFESSIONAL SERVICES RENDERED THROUGH May 31, 2014

05/13/14	REVIEW AND RESPOND TO SCHEDULING E-MAILS. ROBERT E. McKENZIE	0.20 hr.	
05/20/14	MEET AT ARNSTEIN & LEHR WITH R. MCKENZIE, MR. FOGEL, AND MR. HYMAN. ADAM S. FAYNE	1.00 hr.	
05/20/14	<u>MEETING WITH R. FOGEL, B. HYMAN, A. S. FAYNE AND D. HOROWITZ REGARDING STRATEGY.</u> <u>ROBERT E. McKENZIE</u>	<u>1.20 hr.</u>	(2) Typo: Time reduced to 1.0 for Fayne's entry for same mtg
05/20/14	TELEPHONE CONFERENCE WITH JAMES MAINZER. ROBERT E. McKENZIE	0.20 hr.	
05/27/14	RESEARCH ABANDONMENT OF INTANGIBLE NON-INCOME PRODUCING PROPERTY; CONFERENCE WITH K. MORSE. ADAM S. FAYNE	1.00 hr.	
05/27/14	REVIEW AND RESPOND TO SCHEDULING E-MAILS. ROBERT E. McKENZIE	0.10 hr.	
05/27/14	DRAIMAN: RESEARCH RE: ABILITY TO RETROACTIVELY ABANDON ASSETS IN SEVENTH CIRCUIT AND WHETHER ABILITY TO ABANDON FOR PURPOSES TO AVOID TAX CONSEQUENCES. KEVIN H. MORSE	1.30 hr.	
05/29/14	<u>WORK ON BANKRUPTCY ABANDONMENT MATTERS - CONFERENCE WITH K. MORSE; REVIEW RESEARCH, AND CORRESPOND WITH MR. FOGEL.</u> <u>ADAM S. FAYNE</u>	<u>0.70 hr.</u>	(1) Lumping
05/29/14	DRAIMAN: REVIEW RESEARCH SENT FROM TRUSTEE'S COUNSEL RE: RETROACTIVE ABANDONMENT (3); FURTHER RESEARCH FOR APPLICATION IN SEVENTH CIRCUIT (4); SEND E-MAIL SUMMARY OF SEVENTH CIRCUIT CASE LAW RE: SAME (2). KEVIN H. MORSE	0.90 hr.	

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June 6, 2014

Invoice: 1003276

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05/30/14 CONFERENCE WITH R. FOGEL AND R. MCKENZIE REGARDING INTERNAL REVENUE SERVICE AUDIT MATTERS.
ADAM S. FAYNE 0.40 hr.

05/30/14 PREPARE FOR AND ATTEND TELEPHONE CONFERENCE WITH J. MAINZER, RICK FOGEL, ET AL REGARDING STATUS OF INTERNAL REVENUE SERVICE EXAM AND OUR OPTIONS.
ROBERT E. MCKENZIE 0.80 hr.

SUMMARY OF FEES

	<u>Hours</u>	<u>Rate/Hr</u>	<u>Amount</u>
ADAM S. FAYNE	3.10	390.00	1,209.00
KEVIN H. MORSE	2.20	330.00	726.00
ROBERT E. MCKENZIE	2.50	635.00	1,587.50
TOTAL	7.80		\$3,522.50

Total Fees for Professional Services 3,522.50

TOTALS FOR THIS MATTER

Prior Balance Brought Forward	\$4,367.70
Fees For Professional Services	3,522.50
Reimbursable Costs	0.00
Less Credits and Adjustments	0.00
NET CURRENT BILLING FOR THIS MATTER	<u>\$3,522.50</u>
TOTAL DUE FOR THIS MATTER	\$7,890.20

EIN: 36-2041272

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July 11, 2014

Invoice: 1006884

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Our Matter # 43845-0001

TAX ADVICE

FOR PROFESSIONAL SERVICES RENDERED THROUGH June 30, 2014

06/11/14	REVIEW ABANDONMENT MEMORANDUM; CONFERENCE WITH R. MCKENZIE; CORRESPOND WITH RICK FOGEL.	(1) Lumping
	ADAM S. FAYNE 0.40 hr.	
06/11/14	REVIEW R. FOGEL E-MAIL AND MEMO; DISCUSS STRATEGY WITH A. S. FAYNE AND ASSIGN TO RESPOND TO E-MAIL.	(1) Lumping
	ROBERT E. MCKENZIE 0.20 hr.	
06/13/14	REVIEW INTERNAL REVENUE SERVICE SETTLEMENT LETTER AND REVISED TAX RETURN FOR 2011.	
	ADAM S. FAYNE 0.20 hr.	
06/13/14	REVIEW E-MAIL FROM R. FOGEL REGARDING ABANDONMENT.	
	ROBERT E. MCKENZIE 0.10 hr.	

SUMMARY OF FEES

	<u>Hours</u>	<u>Rate/Hr</u>	<u>Amount</u>
ADAM S. FAYNE	0.80	390.00	234.00
ROBERT E. MCKENZIE	0.30	635.00	190.50
TOTAL	0.90		\$424.50

Total Fees for Professional Services 424.50

TOTALS FOR THIS MATTER

Prior Balance Brought Forward \$7,890.20

LAW OFFICES

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July 11, 2014

Invoice: 1006884

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Fees For Professional Services	424.50
Reimbursable Costs	0.00
Less Credits and Adjustments	0.00
NET CURRENT BILLING FOR THIS MATTER	<hr/> \$424.50
TOTAL DUE FOR THIS MATTER	<hr/> \$8,314.70

EIN: 36-2041272